

Before the
Federal Communications Commission
Washington, D.C. 20554

Charter Communications, Inc.,)	
)	
Complainant,)	
)	
v.)	File No. EB-06-MD-008
)	
Alabama Power Company,)	
)	
Respondent.)	

ORDER OF DISMISSAL

Adopted: May 7, 2007

Released: May 7, 2007

By the Chief, Market Disputes Resolution Division, Enforcement Bureau:

1. On April 25, 2007, the complainant, Charter Communications (“Charter”), filed a motion to withdraw with prejudice¹ the Complaint that Charter filed against respondent, Alabama Power Company (“Alabama Power”), on July 21, 2006.² In short, the Complaint alleges that Alabama Power violated section 224 of the Communications Act³ by imposing unjust and unreasonable rates, terms and conditions of pole attachment.⁴ The Motion states that the parties have “entered into a Settlement Agreement effective as of April 23, 2007 releasing all claims against the other party,” and that “further litigation of the issues raised in Charter’s Complaint [is] unnecessary.”⁵

2. We are satisfied that dismissing the Complaint will serve the public interest by promoting the private resolution of disputes and by eliminating the need for further litigation and the expenditure of further time and resources of the parties and this Commission.

3. Accordingly, IT IS ORDERED, pursuant to sections 1, 4(i), 4(j), and 224 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), and 224, and the authority

¹ Motion to Dismiss, File No. EB-06-MD-008 (filed Apr. 25, 2007) (“Motion”).

² Complaint, File No. EB-06-MD-008 (filed July 21, 2006) (“Complaint”).

³ 47 U.S.C. § 224.

⁴ Complaint at 1; 3, ¶ 9; 4, ¶¶ 11, 13; 5-10, ¶¶ 14-24.

⁵ Motion at 1, ¶ 3.

delegated in sections 0.111, 0.311, and 1.1401-1.1418 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, and 1.1401-1.1418, that the Motion is GRANTED, and that the Complaint is DISMISSED with prejudice.

FEDERAL COMMUNICATIONS COMMISSION

Alexander P. Starr
Chief, Market Disputes Resolution Division